

PLANNING STATEMENT.

PROPOSED RETENTION OF CHANGE OF USE OF LAND TO STATIC CARAVAN/TOURING CARAVAN SITE AND RETENTION OF CHANGE OF USE OF EXISTING BUILDING TO ASSOCIATED SERVICE DWELLING AT LAZY ACRE, LITTLE DOG DROVE, HOLBEACH ST JOHNS PE12 8RR.

1. INTRODUCTION.

1.1 I am instructed by Mr Ezra McGowan to submit the above application. It has two inter-connected elements. The retention of the caravan site use is proposed to incorporate seven units, four static caravans and three visitor plots, for occupation, predominantly, but not exclusively limited to, serving the traveller community, but also to provide, if it proves necessary from time to time, to accommodation for seasonal workers and temporary local employees.

1.2 The applicant is from the traveller community but also envisages being able to work with the Council and other local organisations to provide emergency accommodation for the general public, occasionally, should it be required in the local area. The retention of the residential use of the approved former amenity building will see its occupation being directly related to its original use to serve the site generally. A condition to restrict its residential occupancy along those lines will be acceptable.

2. THE SITE AND ITS SURROUNDINGS.

2.1 The application site lies within a rural area to the southeast of Spalding and south of Holbeach. From Holbeach, Holbeach St Johns is reached by means of the B1168. As it leaves the village, the B1168 runs in a westerly, and then southerly, direction. At the point where it turns to the south, it forms a junction with Jekil's Bank, from which Little Dog Drove leads, also in a southerly direction, running parallel with the B1168 across an area known as Holbeach Fen.

2.2 The dominant land use in this distinctly lowland area is agriculture. Little Dog Drove, which is a cul-de-sac, is reflective of this pattern of development with farmsteads and other dwellings dispersed at intervals along its length until it reaches the South Holland Main Drain where, at a turning area and small parking area, public rights of way continue in easterly and westerly directions along the northern bank of the watercourse.

2.3 The site is located on the eastern side of the lightly- trafficked Little Dog Drove, approximately 1.4 km from its junction with Jekil's Bank.

2.4 The applicant's ownership, 0.37 hectare in area, has a frontage to Little Dog Drove of approximately 67metres and a depth of approximately 57 metres. The site access is situated approximately 2 metres from the northwestern corner of the site. As can be seen from the Block Plan that forms part of the application (JC/M228/102), the building that is, in part, the subject of this application is located immediately adjoining this entrance.

2.5 To the rear of this former amenity building, approved in June 2010 (H09-0333-13), but which has been in solely residential use since late 2020, there are at present one occupied static caravan and four touring caravans on the land, as can be verified by the Council's Planning Enforcement Officer. Furthermore, the applicant is now in receipt of Council Tax demands dating from 2024-25 in respect of these developments. The applicant wishes it to be stressed that, throughout his ownership of the site, there have always, without a break, been some caravans stationed on the application site. In addition, to the rear of the site are two storage sheds, toilet facilities and a timber gazebo that were granted planning permission by the Council in December 2013 (H09-0751-13). The site has approximately thirty electric hook-up points, providing power for visitors, and three septic tanks serving a foul drainage system, all provided during the early years of the applicant's ownership. The development relies on a single point of vehicular and pedestrian access to and from Little Dog Drove.

3. PREVIOUS PLANNING HISTORY.

3.1 Whilst the Council is aware of the previous history with regard to developments at Lazy Acre, it is considered important to summarise the previous history of developments at the site in the context of this application.

3.2 The applicant acquired Lazy Acre Caravan Site as a going concern in 2012. There ensued a dispute with the Council as to the lawfulness of the existing use, but it cannot be disputed that the land, previously in agricultural use, had been used for a considerable period for recreational purposes as a caravan/camping site. For several years, the use had subsisted with the benefit, from 2004 onwards, of an Exemption Certificate, issued pursuant to the dispensation provided under paragraph 5 of the 1st Schedule of the

Caravan Sites and Control and Development Act 1960 and Section 269 of the Public Health Act 1936 by the Caravan and Camping Club.

3.3 On 10 June 2010, the Council granted planning permission for the construction of the amenity building in support of the caravan/camping use under its code H09-333-10. On 21 September 2015, the Council approved an application under code H09-0566-15 that had proposed a non-material amendment to this building to include for the addition of two small windows to replace mechanical ventilation to the toilets, revised entrance details and the installation of UPVC windows and doors in lieu of those previously approved. The pre-commencement conditions were satisfied, and a lawful material start was made to the approved building, which was substantially completed by 2017.

3.4 Earlier, on 17 December 2013, the South Holland District Council had granted temporary planning permission for the erection of the two sheds, toilet facilities and the retention of the timber gazebo, also in support of, but not tied by condition to, the caravan and camping use, under its office code: H09-0751-13.

3.5 The Council then refused an application for a Certificate of Lawful Existing Use or Development under the provisions of section 191 of the Town and Country Planning Act 1990, under code H09-0336-14 on 11 August 2014.

3.6 The applicant, having invested heavily in the site, at which prior to its purchase he had enjoyed staying as a client, then sought the grant of full planning permission for the retention of the use of the land as a touring caravan and camping site on 2 October 2015. That application was subsequently refused planning permission under code H09-0921-15 on 5 February 2016.

3.7 A resubmitted proposal, to which detailed reference is made below, was then deposited on 14 December 2016. It was the refusal of planning permission relating to this application (code H09-1276-16) on highways grounds on 8 February 2017 that led to an appeal being submitted on 30 March 2017 (APP/A2525/W/17/3172802). The Inspector dismissed the appeal on 7 August 2017.

3.8 A further application for a Certificate of Existing Lawful Use or Development having been withdrawn, an application for full planning permission was submitted in July 2019

proposing the change of use of the redundant utility/amenity building to a single dwelling (H09-0663-19). The application was refused on 22 August 2019 for reasons similar to that of the subsequent further refusal (H09-1078-19) which led to the submission of a second appeal. That appeal was dismissed on 21 August 2020.

4. THE PROPOSAL.

4.1 This application seeks to obtain the grant of full planning permission for the retention of the change of use of the approved amenity building to a dwelling, to be occupied for managerial purposes in connection with the retention of the change of use of the adjoining land to a caravan site, which is proposed to be occupied as detailed in paragraph 1.1, above.

4.2 The application is accompanied by the following drawings:

- Location plan: JC/M228/101.
- Block plan: JC/M228/102.
- Retention of change of use of building-plans and elevations: JC/M228/103.

5. THE DEVELOPMENT PLAN.

5.1 The Development Plan here, relevant to an application of this nature, comprises the South East Lincolnshire Local Plan, adopted in 2019. Its Policies Map shows the site without notation, save for its location within “Countryside”. The policies considered to be most applicable to the determination of this application are:

01 Spatial Strategy

02 Development Management

17 Providing a Mix of Housing

19 Rural Exception Sites

20 Accommodation for Gypsies, Travellers and Travelling Showpeople

23 The Reuse of Buildings in the Countryside for Residential Use

5.2 Relevant considerations in respect of these policies are set out in the submissions below.

5.3 There is no Neighbourhood Plan for this area.

6. THE NATIONAL PLANNING POLICY FRAMEWORK.

6.1 The National Planning Policy Framework (NPPF), revised in December 2024, continues at paragraph 8 to promote the achievement of sustainable development. The social objective, outlined in paragraph 8b) seeks to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

6.2 Paragraph 61 emphasises the need for the delivery of a sufficient supply of homes, indicating that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of group specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

6.3 Paragraph 63 goes on to say that, within the context of establishing need, the requirements of different groups in the community should be addressed. These groups include travellers, in respect of which it is pointed out that their housing needs should be covered by the definition in Annex 1 of Planning Policy for Traveller Sites.

6.4 Policies with regard to rural housing, particularly at paragraphs 82 and 84 require that planning decisions should be responsive to local circumstances and support housing developments that reflect local needs. Whilst decisions should normally avoid the development of isolated homes in the countryside, an exception can be made where the development would re-use redundant or disused buildings and enhance the immediate setting.

6.5 In considering development proposals, the NPPF indicates at paragraph 115b) that, in respect of specific applications for development, it should be ensured, inter alia, that safe and suitable access to the site can be achieved for all users.

7. PLANNING POLICY FOR TRAVELLER SITES.

7.1 This national policy was also revised in December 2024. Key considerations pertinent to this application are set out in Policy D which relates to rural exception sites. This indicates that local planning authorities should enable small sites to be used to address the needs of a local community by accommodating households who are either current residents or have an existing family or employment connection whilst ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

7.2 Annex 1 sets out a definition of gypsies and travellers for the purpose of the guidance set out.

8. SUBMISSIONS IN RESPECT OF PLANNING POLICIES AND OTHER MATERIAL CONSIDERATIONS.

8.1 In submitting this application, careful consideration has been paid not only to the applicable relevant national and local planning policies but also previous decisions, including those in respect of the two appeals to which reference is made above.

8.2 The proposal is regarded as being generally compliant with the requirements of Local Plan Policy 02. As Officers have previously accepted, the proposed use of the land as a caravan site is not likely to cause detriment to local amenity. Further considerations in respect of access and vehicle generation are set out below. There are, furthermore, unlikely to be any adverse considerations arising from the impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion, having regard to the small scale of the development, particularly the limited number of units proposed at this site and the care that will be taken to manage on-site activities and all comings and goings by means of the on-site residential presence. The established tree and hedgerow periphery of the site will be retained, maintained and, where necessary, supplemented and enhanced.

8.3 Policy 17 seeks to provide a mix of housing across the Local Plan area. In particular, as a relative to this application, the policy indicates that the Local Plan will also seek to meet the housing needs of non-travelling gypsy and traveller households. As a member of the traveller community, the applicant is particularly well equipped to recognise these needs and to respond, positively, by means of the proposed development.

8.4 In the above context, there remains an ongoing need to provide accommodation locally for gypsies, travellers and travelling show people, as indicated in Local Plan Policy 20. It requires the provision of appropriate infrastructure for all developments, that the development must not have a significant adverse effect on the amenities of local residences or adjoining land uses and that site can be successfully assimilated into both the immediate environment and the wider landscape. Proposals will be granted, bearing in mind the above considerations, in respect of unallocated sites, as is the situation here, provided similar requirements are met. .

8.5 Policy 23 in respect of the re-use of buildings in the countryside for residential use is permissive, providing the building is structurally sound and capable of conversion. It should be of architectural or historic merit and being keeping with its surroundings. The design should be sympathetic to the character and appearance of the building, and the development should lead to an enhancement of the immediate setting of the building. The lack of a significant substantial use of the application site has resulted in an absence of a necessity for some of its curtilage to be maintained to the high standard, for example by frequent mowing, that will be applicable if this proposal is approved. Clearly, both the immediate and wider surroundings will benefit if permission is granted.

8.6 Significantly, insofar as the specific requirements of Policy 23 are concerned, the requirement that the conversion of a rural building should be of architectural or historic merit to justify its conversion to a residential use is not reflected in the relevant policy set out in the NPPF. To that degree, the Local Plan's policy is, in this particular respect, out of date and the maintenance of the requirement cannot be justified.

8.7 The two previous appeal decisions in respect of previous proposals at Lazy Acre from August 2017 (APP/A2525/W/17/3172802) and August 2020 (APP/A2525/W/20/3253833), respectively, have been afforded careful consideration in the preparation of the proposal and in the drafting of this Planning Statement. In the earlier of the two appeal decisions, the Inspector agreed, at paragraph 6, with the submission that Little Dog Drove is lightly trafficked, whilst registering concern, paragraph 8, "that the establishment of the use of the appeal site for the number of pitches proposed would increase the use of the lane by a substantial amount". In that event, 15 touring pitches were proposed, and it is submitted that the Council should, in considering this application, accept that both the number of pitches proposed has been substantially and their intended occupancy would not be likely to generate as many comings and goings or involve frequent movement of vehicles towing a caravan.

8.8 Insofar as the retention of the change of use of the former amenity building is concerned, its continued residential occupancy in isolation is no longer considered to be a compelling material consideration. The residential use will be directly linked to the

effective management of the caravan site, and this element of the application should be considered, accordingly.

8.9 In summary, this proposal is considered to meet an identifiable local need and to accord positively with all applicable policies of the Council's Local Plan whilst facilitating the retention of the meaningful change of use of an existing rural building that will, otherwise, lack a beneficial alternative use. Whilst the site lies outside the built framework of a settlement, it is not unsustainably located because the facilities afforded by nearby Holbeach St Johns are close at hand. Planning permission should, it is requested, be granted.

8.10 In respect of the requirements of Section 7 of The Town and Country Planning (Development Management Procedure) (England) Order, 2017, it is considered that since this application relates to development already carried out, it is not subject to requirements in respect of proposals in respect of net biodiversity net gain that must normally be provided before an application can be registered. The Council's confirmation is requested accordingly.

September 2025.

Ref: M228.

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